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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,594	06/06/2001	Srinivas V.R. Gutta	US010125	7185

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,594

Applicant(s)

GUTTA ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9-11 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9-11 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 14, 2004 has been entered.

2. Claims 1-3, 9-11 and 17-19 are amended. Claims 4-8 and 12-16 are canceled. The pending claims are 1-3, 9-11 and 17-19.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanechanos, Jr. (U.S. Patent No. 5,884,309, hereinafter, "Vanechanos") in view of Apte et al (U.S. Patent No. 6,654,739, hereinafter, "Apte").

With respect to claims 1-3 and 9-11, Vanechanos discloses, receiving a first program record (80, item #, 82, topic, 84, description, fig. 5, col. 7, lines 53-67 to col. 8, lines 1-21) corresponding to a first program, wherein the first program record includes at least one key field (for instance, item #, topic, description, fig. 5), (fig. 5, col. 7, lines 53-67 to col. 8, lines 1-21, each search parameter (key field) is inputted from fig. 5), retrieving a plurality of program records from a database (92, search, fig. 5, by clicking search button), wherein at least one of the program records includes at least one key field (for instance, item #, topic, description, fig. 5), converting each key field of the first program record (item #, topic, description, fig. 5) into a feature value (item # =1, topic=2, description=3, col. 8, lines 22-67, for instance, item number is converted to feature value 2, col. 11, lines 15-41); determining a second, a N number and a cluster program records of the plurality of program records (90, limit search to, fig. 5, "limit search" specifies one, N, cluster program records search results) that qualifies record using the feature value, (col. 8, lines 22-67 to col. 9, lines 1-18), the key fields of the plurality of program, see (col. 7, lines 27-67 to col. 8, lines 1-67 to col. 9, lines 1-18), generating a recommendation of the first program based on the second program record, see (col. 7, lines 27-67 to col. 8, lines 1-67 to col. 9, lines 1-18). Vanechanos does not explicitly disclose records that qualifies as a nearest neighbor of the first program record, a distance measurement method. However, Apte discloses, "number of clusters k must be specified prior to application. The summary statistic is a mean of the values for each cluster. The individual members of the cluster can have a high variance and the mean

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may not be a good summary of the nearest neighbor that are typically found in a search procedure, see (col. 2, lines 17-29). And where only the k best keywords of each document are indexed. This reduces the vector size of a document, as well as the computation time for distance measures for a clustering for a clustering method, see (col. 4, lines 21-41). This teaches that data clustering based on nearest neighbor and distance method. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Vanechanos by incorporating records that qualifies as a nearest neighbor of the first program record, a distance measurement method with the system of Apte. Thus, one having ordinary skill in the art at the time the invention was made would have found it motivated to use such a modification because that would provide Apte's system the enhanced data retrieval capability with nearest neighbor and distance measure method in the data retrieval system.

With respect to claims 17-19, Vanechanos discloses, receiving a first program record (80, item #, 82, topic, 84, description, fig. 5, col. 7, lines 53-67 to col. 8, lines 1-21) corresponding to a first program, wherein the first program record includes at least one key field (for instance, item #, topic, description, fig. 5), (fig. 5, col. 7, lines 53-67 to col. 8, lines 1-21, each search parameter (key field) is inputted from fig. 5), retrieving a plurality of program records from a database (92, search, fig. 5, by clicking search button), wherein at least one of the program records includes at least one key field (for instance, item #, topic, description, fig. 5), converting each key field of the first program

record (item #, topic, description, fig. 5) into a feature value (item # =1, topic=2, description=3, col. 8, lines 22-67, for instance, item number is converted to feature value 2, col. 11, lines 15-41); determining a second, a N number and a cluster program records of the plurality of program records (90, limit search to, fig. 5, "limit search" specifies one, N, cluster program records search results) that qualifies record using the feature value, (col. 8, lines 22-67 to col. 9, lines 1-18), the key fields of the plurality of program, see (col. 7, lines 27-67 to col. 8, lines 1-67 to col. 9, lines 1-18), generating a recommendation of the first program based on the second program record, see (col. 7, lines 27-67 to col. 8, lines 1-67 to col. 9, lines 1-18). Vanechanos does not explicitly disclose records that qualifies as a nearest neighbor of the first program record, a distance measurement method. However, Apte discloses, "number of clusters k must be specified prior to application. The summary statistic is a mean of the values for each cluster. The individual members of the cluster can have a high variance and the mean may not be a good summary of the nearest neighbor that are typically found I a search procedure, see (col. 2, lines 17-29). And where only the k best keywords of each document are indexed. This reduces the vector size of a document, as well as the computation time for distance measures for a clustering for a clustering method, see (col. 4, lines 21-41). This teaches that data clustering based on nearest neighbor and distance method. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Vanechanos by incorporating records that qualifies as a nearest neighbor of the first program record, a distance measurement method with the system of Apte. Thus, one having ordinary skill

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in the art at the time the invention was made would have found it motivated to use such a modification because that would provide Apte's system the enhanced data retrieval capability with nearest neighbor and distance measure method in the data retrieval system.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW


JEAN M. CORRIELLUS
PRIMARY EXAMINER

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December 27, 2004